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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) CASE NO.  
Plaintiff, )  
v. )  
\$215,665 in United States Currency, )  
Defendant. )  
\_\_\_\_\_  
**VERIFIED COMPLAINT FOR FORFEITURE**  
**IN REM**

The United States of America, by its attorneys, David L. Anderson, United States Attorney, and Karen Beausey, Assistant United States Attorney for the Northern District of California, brings this complaint and alleges as follows:

## **NATURE OF THE ACTION**

1. This is a judicial forfeiture action, as authorized by Title 21, United States Code, Section §§ 853 and 881(a)(6), involving the seizure and forfeiture to the use and benefit of the United States of America the following property:

\$215,665 in United States Currency seized by law enforcement officers from the United States

1 mail on or about September 1, 2020, and currently in the custody of the Drug Enforcement  
2 Administration (“DEA”);

3 (hereinafter, “Defendant Property”), as property constituting, or derived from, any proceeds obtained,  
4 directly or indirectly, as a result of a violation of 21 U.S.C. §§ 841 and/or 846, and thereby forfeitable  
5 pursuant to 21 U.S.C. § 881(a)(6).

6 **JURISDICTION AND VENUE**

7 2. This Court has jurisdiction under 28 U.S.C. §§ 1345 and 1355, and 21 U.S.C.  
8 § 881(a)(6).

9 3. Venue is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395 because the acts  
10 or omissions giving rise to the forfeiture occurred in this district and the Defendant Property is located in  
11 this district.

12 4. Intra-district venue is proper in the San Francisco within the Northern District of  
13 California.

14 **PARTIES**

15 5. Plaintiff is the United States of America.

16 6. The Defendant Property consists of \$215,665 in United States Currency seized by law  
17 enforcement officers from the United States mail on or about September 1, 2020, and currently in the  
18 custody of the DEA.

19 **FACTS**

20 7. On September 1, 2020, at approximately 8:26 a.m., Cincinnati DEA Task Force Officer  
21 (“TFO”) Eli Sautter received information from a confidential source (CS) that on August 31, 2020,  
22 Cameron Barnes made a one-way airline reservation to fly from Chicago to San Francisco  
23 International Airport (SFO) on September 1, 2020 (the next day), via American Airlines Flight #2639.  
24 Barnes had not purchased a return flight. Barnes’ ticket cost \$318.00, and was purchased with a  
25 credit card with an associated address of 703 36th Street, Niles, Michigan 49120. A check of public  
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1 records revealed that BARNES is not listed as living at that address, but rather has a listed address of  
2 3130 South 13<sup>th</sup> Street, Niles, Michigan 49120.

3 8. TFO Sautter provided Cameron BARNES' date of birth as April 16, 1990, and advised  
4 that BARNES had no checked luggage.

5 9. TFO Sautter forwarded all pertinent information relating to Cameron BARNES'  
6 reservation to San Francisco DEA Task Force #2 at SFO.

7 10. Agents conducted computer inquiries of BARNES with the information provided relating  
8 to his reservation. DEA TFO Maes examined BARNES' criminal history report and learned that  
9 BARNES had a total of 19 arrests between 2008 and 2019, which included 13 narcotics related arrests in  
10 four different states (California, Michigan, Louisiana, and Indiana). BARNES' has a total of seven  
11 narcotics-related convictions, including two from California, three from Indiana, and two from  
12 Louisiana. TFO Maes also learned that BARNES was on probation until December 5, 2021, relating to  
13 an arrest for possession with the intent to distribute marijuana and MDMA in Louisiana.

14 11. TFO Maes also learned that BARNES might be traveling with an associate named  
15 Terrence Smith (DOB: May 17, 1989). TFO Maes learned that Terrence Smith also had a reservation  
16 aboard American Airlines flight #2639 to SFO on September 1, 2020. Smith's reservation had been  
17 made on August 30, 2020 (the day before BARNES' reservation was made) and the purchaser also paid  
18 \$318.00 with a credit card. Smith's reservation had an associated address of 7809 South 13th Street,  
19 Niles, MI 49120, the same street as BARNES' listed address. A criminal history check did not reveal  
20 any criminal history for Terrence Smith. TFO Maes later learned that both BARNES and Smith  
21 checked-in for flight #2639 in Chicago, but Smith missed the flight. BARNES had no checked luggage  
22 but Smith checked in one piece of luggage that bore American Airlines baggage claim number  
23 8001956716.

24 12. TFO Maes has been a law enforcement officer since 1994 and a DEA Task Force Officer

1 since 2002. During that time, he has investigated hundreds of narcotics trafficking violations, and has  
2 become familiar with common behaviors, tricks, and practices of individuals who travel to San  
3 Francisco to obtain illegal drugs. In TFO Maes' training and experience, he knew that most travelers  
4 attempt to book airline travel at least two weeks in advance of the flight date, and purchase round trip  
5 tickets, in order to receive the lowest possible fare. On the other hand, TFO Maes knows that California  
6 is a source state for narcotics, and in his experience individuals who fly to San Francisco with the  
7 intention of purchasing illegal drugs frequently make their airline reservations shortly before the date of  
8 travel, and frequently purchase one-way tickets to make it difficult for law enforcement to determine  
9 when or how they intend to return to their city of origin.

10  
11 13. Agents were able to obtain a photo of BARNES prior to the arrival of American Airlines  
12 flight #2639.

13  
14 14. In light of the information related to them by TFO Sautter and what they viewed as the  
15 suspicious nature of BARNES' and Smith's travel, San Francisco Task Force #2 officers decided to  
16 meet BARNES and Smith at SFO and to seek an interview with either or both of them regarding the  
17 purpose of their travel to California.

18  
19 15. Accordingly, on September 1, 2020, at approximately 4:15 p.m., agents went to the area  
20 of the American Airlines gate in anticipation of BARNES' arrival on flight #2639. The flight arrived at  
21 approximately 4:30 p.m., and passengers started to exit the jet way at the gate. At approximately 4:35  
22 p.m., TFO Maes and DEA Special Agent Michael Vo observed an individual fitting the physical  
23 description of Cameron BARNES exit the jet way alone. BARNES was observed carrying a "Nike"  
24 backpack and pulling a small black roller suitcase. Agents followed BARNES as he walked away from  
25 the gate and into a men's restroom. After exiting the restroom, BARNES walked towards the exit of the  
26 terminal and towards American Airlines baggage carousel #5.

27  
28 16. At approximately 4:42 p.m., agents observed BARNES standing at baggage carousel #5

1 alone, apparently waiting to retrieve checked-in luggage. This struck the agents as unusual because they  
2 knew BARNES had not checked any luggage. At approximately 4:45 p.m., TFO Maes and SA Vo  
3 observed BARNES retrieve one large black canvas “Ricardo” suitcase from baggage carousel #5.  
4 Agents observed BARNES closely examine the baggage claim tag attached to the suitcase. BARNES  
5 then started to walk towards the exit of the terminal alone, in possession of the suitcase he had just  
6 retrieved from baggage carousel #5 and the Nike backpack and small roller suitcase he brought with him  
7 when he deplaned.

9 17. As BARNES was walking towards the exit of the terminal, TFO Maes called out his  
10 name, “Cameron BARNES.” BARNES immediately paused and turned towards TFO Maes’ voice.  
11 TFO Maes and SA Vo approached BARNES. TFO Maes and SA Vo were wearing plain clothes, not  
12 law enforcement uniforms. TFO Maes and SA Vo identified themselves to BARNES as a law  
13 enforcement officers and presented him with their issued identifications. In a conversational tone of  
14 voice, TFO Maes advised BARNES that he was not under arrest and that he was free to go at any time.  
15 TFO Maes asked BARNES, “Can I talk to you?” BARNES immediately said “yes.” TFO Maes  
16 indicated the “Ricardo” bag BARNES had retrieved from the baggage carousel and asked BARNES, “is  
17 that your suitcases?” BARNES replied, “No, it’s my cousins, he missed the flight and wanted me to pick  
18 it up.” SA Vo examined the baggage claim tag that was attached to the suitcase and it was in the name  
19 of “Terrence Smith” and bore American Airlines baggage claim number 8001956716.  
20

21 18. TFO Maes asked BARNES, “are you in San Francisco for business or pleasure?”  
22 BARNES stated, “pleasure, I’m visiting family in Sacramento.” TFO Maes asked, “how long do you  
23 plan on staying in the area?” BARNES stated, “a while.” TFO Maes then asked BARNES if he had any  
24 identification. BARNES stated he did and pulled out his wallet. While BARNES was searching  
25 through his wallet for his identification, TFO Maes observed BARNES hands visibly shaking, as if  
26 BARNES was nervous. BARNES dropped several credit cards onto the floor while searching for his  
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1 identification. BARNES provided TFO Maes with a Michigan driver's license in the name of "Cameron  
2 Juard BARNES," with a date of birth of April 16, 1990. TFO Maes quickly returned BARNES' driver's  
3 license. TFO Maes asked BARNES if he had ever been arrested. BARNES initially said, "no," which  
4 TFO Maes knew was not true. BARNES then changed his mind and admitted to having been previously  
5 arrested. TFO Maes asked BARNES if he was currently on probation relating to a narcotics related  
6 arrest. BARNES denied being on probation, stating, "I'm not on probation for that, I don't have to  
7 report." TFO Maes asked BARNES if he was currently in possession of any illegal narcotics. BARNES  
8 immediately stated he was not. TFO Maes asked BARNES, "Can we search your suitcases and back  
9 pack to confirm that you are not in possession of any illegal narcotics?" BARNES immediately stated,  
10 "yes." TFO Maes and SA Vo then searched BARNES' backpack and the small roller suitcase he  
11 brought when him when he deplaned, and no illegal contraband or large sums of U.S. Currency were  
12 located within the either item.

13  
14 19. During the search of the large canvas "Ricardo" suitcase BARNES had retrieved from  
15 baggage carousel #5 (bearing American Airlines baggage claim tag number 8001956716 in the name of  
16 Terrence Smith), SA Vo immediately observed the suitcase contained numerous rubber-banded bundles  
17 of a very large amount of U.S. Currency. The currency consisted of numerous denominations, which  
18 TFO Maes knows is an indicator of street level narcotics trafficking. The currency was wrapped in  
19 clothing, inside of pants pockets, inside of a shoe box, and loosely placed within the suitcase. In his  
20 training and experience, TFO Maes recognized the manner in which the currency was packed as  
21 consistent with narcotics smuggling. Specifically, the bundling of the money in rubber-banded stacks,  
22 the multiple denominations indicative of street level narcotics trafficking, and the concealment of the  
23 money within clothing and other innocuous-looking items (such as the shoe box), were methods of  
24 transporting money that TFO Maes had observed used by narcotics traffickers in other investigations on  
25 which he had worked.

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1       20. TFO Maes asked BARNES how much money was in the suitcase, and BARNES stated,  
2 "I don't know, it's my cousin's." TFO Maes asked for contact info for BARNES' cousin, but BARNES  
3 refused to provide TFO Maes with a telephone number or address relating to his cousin. BARNES later  
4 advised TFO Maes that he (BARNES) is a rapper and stated that the currency located within Smith's  
5 suitcase was going to be used during the filming of a rap video. When TFO Maes asked for more details  
6 about the filming of the video, BARNES refused to provide any specific details relating to the video's  
7 production. TFO Maes asked BARNES about his current finances, but BARNES stated, "I don't like  
8 talking to the police," and the interview was completed.

10       21. TFO Maes found the transportation of such a large amount of cash in order to pay to  
11 produce a video to be suspicious. There are numerous branches of numerous banks in the Bay Area and  
12 in the Sacramento area, and BARNES (and/or Smith) could just as easily – and far more safely – have  
13 withdrawn any cash he needed from a California branch rather than risk losing such a large amount of  
14 cash (or having it stolen) by transporting it from Chicago in checked luggage. In his training and  
15 experience TFO Maes knows it is highly unusually for legitimate tourists or business visitors to travel  
16 with large amounts of cash, and that they (like most people in their daily lives) generally prefer to use  
17 credit cards and other forms of electronic payment, particularly for more expensive payments. He  
18 further knows that individuals involved in the purchase and/or sale of controlled substances frequently  
19 bring large amounts of cash when traveling to California to purchase controlled substances or to pay for  
20 previously-purchased controlled substances, and that individuals who sell controlled substances usually  
21 prefer to be paid in cash to avoid creating a paper trail.

24       22. TFO Maes advised BARNES that the cash going to be detained based on the totality of  
25 the circumstances, as he suspected the money was brought to California with the intent to purchase  
26 drugs or was the proceeds of a drug transaction. BARNES did not protest the seizure and did not  
27 provide any further explanation for the presence of such a large sum of U.S. Currency in the suitcase.

1       23. The seized currency (the Defendant Property) was sealed into DEA evidence bag  
2 #EL00136045 by TFO Maes as witnessed by BARNES and SA Vo. BARNES provided his contact  
3 information on a DEA-12 (receipt for seizure of cash) as 3130 South 13<sup>th</sup> Street, Niles, MI 49120 (the  
4 same as his listed address), and provided a phone number of 574-387-9136. BARNES signed the DEA  
5 self-sealing evidence bag #EL00136045 as the owner/possessor of the currency detained in the  
6 investigation. TFO Maes provided BARNES with a copy of the DEA-12 relating to the seizure. The  
7 consensual interview and search of BARNES' luggage was completed at approximately 4:56 p.m.  
8

9       24. Task Force Officer Victor P. Bertolozzi maintained complete care and custody of the  
10 detained currency, as witnessed by TFO Maes. TFO Bertolozzi transported the currency to TF#2, as  
11 witnessed by TFO Maes. No arrests were made. BARNES did not provide any attorney information to  
12 TFO Maes.  
13

14       25. Recognizing that it might become necessary to have a narcotics canine examine an item  
15 during the encounter with BARNES, on September 1, 2020, at approximately 12:30 p.m., Task Force  
16 Officer Ariana D. Daggett had her certified narcotics canine "Ryker" conduct a search of the area near  
17 pole B-92 in terminal #3, where any suspected packages or drug proceeds would be later placed for  
18 examination. TFO Daggett advised TFO Maes that her canine did not alert to the odor of narcotics in  
19 that area. At approximately 5:05 p.m., TFO Maes placed the Defendant Property (which was contained  
20 within DEA evidence bag #EL00136045) in a fire extinguisher locker near pole B-92 in terminal #3  
21 (within the area previously searched by TFO Daggett and Ryker). At approximately 5:07 p.m., TFO  
22 Daggett had Ryker conduct a systematic search of the area where numerous other items were located,  
23 including the Defendant Property. At approximately 5:07 p.m., Ryker alerted to the fire extinguisher  
24 locker which contained the Defendant Property by standing and staring at the fire extinguisher locker  
25 near pole B-92. This is an indication to TFO Daggett that the odor of narcotics was emanating from the  
26 Defendant Property.  
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1       26. On September 2, 2020, at approximately 10:45 a.m., TFO Maes and TFO Daggett  
2 transported the Defendant Property (still sealed in the evidence bag) to the Bank of America located at  
3 555 Broadway, Millbrae, California, for processing. Once there, the currency was counted and  
4 determined to be \$215,655.00 U.S. Currency. The currency was subsequently converted into cashier's  
5 check #0858916246, made payable to the U.S Marshal Service in the amount of \$215,655.00 U.S.  
6 Currency.  
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8       27. An examination of employment records in Michigan (BARNES' alleged state of  
9 residence) and Indiana (where he received five different narcotics related arrests) did not return any  
10 information relating to current employment for BARNES.

11       28. On September 24, 2020, TFO Maes learned that the home address provided by BARNES  
12 (3130 South 13<sup>th</sup> Street, Niles, MI 49120) was linked to a December 2015 United States Postal Service  
13 seizure of 5,216.31 grams of marijuana. The listed sender of the parcel was "Fit 4 A King Clothing" at  
14 6311 Padua Court, Bakersfield, CA 93308, and the listed recipient was "Martin Rogers" at BARNES'  
15 address. In February 2019, a second United States Postal Service investigation associated with  
16 BARNES's addresss led to the seizure of 249 grams of marijuana. That parcel listed the sender as  
17 "Envision Apparal Solution" at 444455 Fruitland Avenue, Vernon CA, and the listed recipient as "T.  
18 Cooley" at BARNES' address. TFO Maes also learned that a USPS login account was established  
19 associated with BARNES' address and a telephone number of 574-387-9136 – the same telephone  
20 number provided by BARNES to TFO Maes. The last time that account was accessed was April 6,  
21 2017, indicating to TFO Maes that BARNES has had that telephone number since at least 2017.  
22

23       29. On September 22, 2020, TFO Maes was contacted by Det. James Baumgartner of Elkhart  
24 County, Indiana, regarding their ongoing investigation of an individual named Toby Jones for marijuana  
25 trafficking. According to Det. Baumgartner, a search warrant was executed at 346 West Hubbard  
26 Avenue, Elkhart, IN, the residence of Toby Jones. During execution of the warrant, 88 pounds of  
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1 marijuana, multiple firearms, and \$139,054 U.S. Currency was located and seized. Det. Baumgartner  
2 also seized Jones' cellular telephone and obtained a search warrant to examine its contents. Analysis of  
3 the contents revealed numerous communications and photos depicting marijuana between Jones'  
4 telephone and BARNES' telephone. In addition, a total of 23 incoming and outgoing communications  
5 between BARNES and Jones between September 14, 2020 (two weeks after the seizure of the Defendant  
6 Property) and October 13, 2020.

8 30. Det. Baumgartner also observed a photograph on Jones' phone of what appeared to be a  
9 license in the name of "Terrance Smith" but bearing BARNES' photograph. TFO Maes believes that  
10 BARNES posed as Smith to check the "Ricardo" suitcase with American Airlines prior to boarding the  
11 flight under his own identity, and that "Terrance Smith" and BARNES are one and the same.

12 31. The DEA timely initiated administrative forfeiture proceedings against the Defendant  
13 Property. On October 26, 2020, DEA received a timely claim for the Defendant Property from  
14 BARNES. Pursuant to 18 U.S.C. § 983(a)(3)(A) the United States thereafter had ninety (90) days within  
15 which to initiate judicial forfeiture proceedings. The instant complaint is filed within that 90-day time  
16 limit.

#### 18 **CLAIM FOR RELIEF**

19 1. The United States incorporates by reference the allegations in paragraphs 1 through 31 as  
20 though fully set forth herein.

21 2. Title 21, United States Code, Section 841(a) prohibits the manufacture, distribution, or  
22 dispensing, and possession with the intent to distribute a controlled substance.

23 3. Title 21, United States Code, Section 846 makes it a crime to attempt or to conspire to  
24 violate Title 21, United States Code, Chapter 13, Subchapter I, including Title 21, United States Code,  
25 Sections 841(a).

26 4. Title 21, United States Code, Section 853 provides that any person convicted of violating

(among other things) Title 21, United States Code, Sections 841(a) and 846 shall forfeit any property constituting or derived from any proceeds the person obtained, directly or indirectly, as the result of that violation, and any of the person's property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of that offense.

5. Title 21, United States Code, Section 881(a)(6), provides, in part, for the forfeiture of all moneys, securities or other things of value furnished or intended to be furnished to a person in exchange for a controlled substance, all proceeds traceable to such an exchange, and all moneys and securities used or intended to be used to facilitate any violation of Title 21, United States Code, Chapter 13, Subchapter I, including violations of Title 21, United States Code, Sections 841(a) and 846.

6. In light of the foregoing, and considering the totality of the circumstances, there is probable cause to believe that the Defendant Property represents proceeds traceable to money, securities or other things of value furnished to a person in exchange for a controlled substance, or intended to do so, in violation of Title 21, United States Code, Sections 841(a) and 846, and thus subject to forfeiture under Title 21, United States Code, Sections 853 and 881(a)(6).

WHEREFORE, plaintiff United States of America requests that due process issue to enforce the forfeiture of the Defendant Property; that notice be given to all interested parties to appear and show cause why forfeiture should not be decreed; and that judgment of forfeiture be entered; that the Court enter judgment forfeiting the Defendant Property; and that the United States be awarded such other relief as may be proper and just.

DATED: January 22, 2021

Respectfully submitted,

DAVID L. ANDERSON  
United States Attorney

Karen D. Beausey  
Assistant United States Attorney

## VERIFICATION

I, Drug Enforcement Administration Task Force Agent Steve Maes, state as follows:

1. I am a Task Force Agent with the Drug Enforcement Administration. I am a case agent assigned to this case. As such, I am familiar with the facts and the investigation leading to the filing of this Complaint for Forfeiture.

2. I have read the Complaint and believe the allegations contained therein to be true.

\* \* \* \*

I declare under penalty of perjury that the foregoing is true and correct. Executed this 22  
day of January, 2021, in SAN FRANCISCO, California.

Task Force Officer Steve Maes  
Drug Enforcement Administration

## CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

## DEFENDANTS

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff	3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF	DEF	PTF	DEF
Citizen of This State	1	Incorporated or Principal Place of Business In This State	4
Citizen of Another State	2	Incorporated and Principal Place of Business In Another State	5
Citizen or Subject of a Foreign Country	3	Foreign Nation	6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	625 Drug Related Seizure of Property 21 USC § 881	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury – Product Liability	422 Appeal 28 USC § 158	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	367 Health Care/Pharmaceutical Personal Injury Product Liability	423 Withdrawal 28 USC § 157	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	330 Federal Employers' Liability		410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	340 Marine	368 Asbestos Personal Injury Product Liability		430 Banks and Banking
151 Medicare Act	345 Marine Product Liability	<b>PERSONAL PROPERTY</b>		450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	350 Motor Vehicle	370 Other Fraud	820 Copyrights	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	355 Motor Vehicle Product Liability	371 Truth in Lending	830 Patent	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	360 Other Personal Injury	380 Other Personal Property Damage	835 Patent—Abbreviated New Drug Application	480 Consumer Credit
190 Other Contract	362 Personal Injury -Medical Malpractice	385 Property Damage Product Liability	840 Trademark	485 Telephone Consumer Protection Act
195 Contract Product Liability			880 Defend Trade Secrets Act of 2016	490 Cable/Sat TV
196 Franchise	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>		850 Securities/Commodities/ Exchange
<b>REAL PROPERTY</b>	440 Other Civil Rights	<b>HABEAS CORPUS</b>	861 HIA (1395ff)	890 Other Statutory Actions
210 Land Condemnation	441 Voting	463 Alien Detainee	862 Black Lung (923)	891 Agricultural Acts
220 Foreclosure	442 Employment	510 Motions to Vacate Sentence	863 DIWC/DIWW (405(g))	893 Environmental Matters
230 Rent Lease & Ejectment	443 Housing/ Accommodations	530 General	864 SSID Title XVI	895 Freedom of Information Act
240 Torts to Land	445 Amer. w/Disabilities— Employment	535 Death Penalty	865 RSI (405(g))	896 Arbitration
245 Tort Product Liability	446 Amer. w/Disabilities—Other	<b>OTHER</b>	<b>FEDERAL TAX SUITS</b>	899 Administrative Procedure Act/Review or Appeal of Agency Decision
290 All Other Real Property	448 Education	540 Mandamus & Other	870 Taxes (U.S. Plaintiff or Defendant)	950 Constitutionality of State Statutes
		550 Civil Rights	871 IRS—Third Party 26 USC § 7609	
		555 Prison Condition		
		560 Civil Detainee— Conditions of Confinement		

## V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding	2 Removed from State Court	3 Remanded from Appellate Court	4 Reinstated or Reopened	5 Transferred from Another District (specify)	6 Multidistrict Litigation—Transfer	8 Multidistrict Litigation—Direct File
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## VI. CAUSE OF ACTION

Brief description of cause:

## VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** Yes No

## VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE

DOCKET NUMBER

## IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND

SAN JOSE

EUREKA-MCKINLEYVILLE

DATE

SIGNATURE OF ATTORNEY OF RECORD

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44**

**Authority For Civil Cover Sheet.** The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)."
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
  - (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
  - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
  - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
  - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
  - (1) Original Proceedings. Cases originating in the United States district courts.
  - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
  - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
  - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.
- Please note that there is no Origin Code 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Federal Rule of Civil Procedure 23.  
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: "the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated."

**Date and Attorney Signature.** Date and sign the civil cover sheet.